

BURTON COMES HOME IN POMP

Met by Procession, He Attacks Roosevelt as Author of His Troubles.

(Special to the New York Times.)

ABILENE, Kan., March 23.—After a triumphant welcome home from prison by his fellow-townsmen, ex-Senator Joseph Ralph Burton tonight made a speech, in which he bitterly arraigned President Roosevelt. He charged that he was persecuted only because he had stood against certain policies of Mr. Roosevelt while in the Senate, and because the President feared his opposition in the National Convention of 1904.

Mr. Burton left the prison at Ironton, Mo., where he had been confined for five months, this morning. He was met at Kansas City by prominent Kansas politicians and friends, who acted as escort to Abilene. When he arrived here this afternoon he was greeted with an enthusiasm that exceeded any welcome he received in his home town while United States Senator from Kansas.

Several hundred townsmen with a band met him at the station. Many wore badges inscribed "Welcome Burton." He rode from the station to his home in an open carriage, and his progress through the streets was in the nature of a triumphal procession. The sidewalks were lined with people who lifted their hats as he passed.

After an informal reception at their home, Mr. and Mrs. Burton were entertained at dinner by County Treasurer Schneider. Later they went to the theater, where Mr. Burton delivered a speech on "Why I was Prosecuted." The theater, which will accommodate about 900 persons, was packed. Many were unable to get in. An admission fee was charged, the proceeds going to the city library.

DENIES FRAUD BY RIALTO COMPANY.

"For the greatest of all crimes against a people is where the executives ravish the law in the temple of justice, as they did in my case," said Mr. Burton in beginning.

He first entered in to a defense of the Rialto Grain and Securities Company, for representing which he was sent to prison. He denied the charge that it was a "get-rich-quick" concern. He said he had offered to show in court that while he was connected with it "it had never swindled any person in the world out of a dollar," but was not permitted to do so. It was organized under the legal direction of Judge Chester B. Krum, who has been employed since by the Government under Mr. Roosevelt's direction in the St. Louis Terminal and other litigation.

The company was "vouched for by the leading banks and trust companies, mercantile agencies, and men of the highest business standing in that city." No Federal action was taken against it while he was connected with it, he pointed out.

"In the history of my case," he continued, "it will plainly appear that I did nothing to prevent a fraud order from issuing against the Rialto Company. It will also plainly appear that months after my connection with the company ceased, and when conditions changed for the worse, by reason of the protracted sickness and absence of its owner, Major Dennis, and when there was an investigation by the Post-office Department, that it was not I, but it was the two men who prosecuted me, Colonel, soon to be Judge, David P. Dyer and C. H. Robb, who prevented a fraud order from issuing against that company."

NOTED MEN ACTED AS HE DID.

He pointed out that no charge of fraud or bribery was brought against him. "The charge against me, throwing aside legal verbiage," he said, "was that I had been hired in a lawsuit prohibited by the statute, because I was a Senator. It was not in the indictment that the Government had one cent of property interest in that case, where I was accused of acting as an attorney."

The law under which he had been convicted was passed after the Civil War to prevent members of Congress from representing persons who had claims against the Government. It was not intended at any time to prevent practice by such officials in any case where the Government's money or property was not involved.

"Such was the construction placed upon it by the makers of the statute," he declared. "Such was its construction by Senators and Representatives, Cabinet Ministers, Bureau officers, and, indeed, by everyone, until the Supreme Court by a decision of five to four gave it another and far different construction, in my case. After the enactment of the statute, no Senator or Representative, who knew of the law, ever openly took a fee for appearing in a case before a department where the money or property of the Government

was involved. But they did appear as paid attorneys all along, in cases where the Government had no property or money interest at stake. This was done by the very best men in Congress, who helped to make the law, and others, who must have known of the law and the purposes of Congress in enacting it.

"Roscoe Conkling was one of these men. The late Congressman Heard of Ohio, and the late Casey Young of Tennessee appeared in cases, as the records of the Patent Office show, while they were members of Congress. But, of course, the Government had no property or monetary interest in such cases. Another man of international reputation and of the highest character, who tried a case for a fee, before Senator Elkins, when the Senator was Secretary of War, was ex-Senator and ex-Treasurer John G. Carlisle. This was a case like the one I was accused of trying; that is, it involved no money or property interest for the Government.

SENATOR'S CONSCIENCE QUIETED.

"This man, and many others of equal distinction, knew of the statute, and defended against it, as I was accused of doing. I reiterate, however, that they did not intend to violate the law.

"There had never been a prosecution under the statute when I was indicted, and the law had been forgotten.

"Senator, now Judge, Jeter C. Pritchard of North Carolina was offered a fee while he was Senator, by a brother lawyer, now the Governor of the State of North Carolina, to help him in a case then pending before the Commissioner of Internal Revenue. Not knowing of any law against his accepting the proffered employment, he did, however, out of an abundance of caution, inquire of the Department of Justice about his right to appear in such a case, and he received an opinion in writing from the Acting Attorney General, Judge Boyd, that there was no law against his accepting the fee. He therefore accepted \$500 and appeared in the case. This was in 1900, Judge Boyd, who gave the written opinion, was afterwards appointed to the United States District bench for one of the South Carolina districts, and is now holding that position."

He asserted that one Senator in 1901 had practiced before Judge Willis Vandeventer, who tried and sentenced Mr. Burton, while the Judge was an official of the Interior Department. A mining case involving valuable property was up before Mr. Vandeventer.

"When I was indicted," went on Mr. Burton, "this Senator boldly announced that if I was guilty he likewise was guilty. The Senator made no concealment of what he had done. He was not conscious of having violated the law. The Department of Justice and Mr. Roosevelt were fully advised of the act of the Senator in appearing in the case to which I have referred. The Statute of Limitations had not then run.

"That Senator, occupying his seat in the Senate Chamber, with the Government in possession of all the facts, and my incarceration in jail at Ironton, is a fair sample of what this Administration means when it hypocritically shouts about the 'square deal'.

"Case after case could be given, showing that the very ablest and best lawyers in the country have unwittingly violated the law. I shall mention only one other, vouched for to me by a brother Senator—that one of the Justices of the present Supreme Court acknowledged to having offended against this statute while he was a member of Congress. Of course, he did not know that he was violating the law.

SCORN FOR SUPREME COURT JUDGES.

"Then there is the opinion of the four great lawyers on the bench, Chief Justice Fuller, Mr. Justice Brewer, Mr. Justice White, and Mr. Justice Peckham—very, very large majority of that bench, if measured by ability—say that the statute does not apply to a case like that brought against me; that even if I did the act charged against me, I did no wrong. Then, if I was guilty, what was my offense, in fact?

"I had misinterpreted a statute; that and nothing more. I had construed the statute, presuming as the law does, that I knew of its existence—as it had always been construed by every one until now. I had construed the statute as the Supreme Court in the States had invariably construed similar statutes, for a century. I had construed the statute as similar statutes had been construed in Great Britain, from the days of Magna Charta. If guilty my offense was that I did not know more law than all the judges of all the courts of the English-speaking race, for more than 200 years. My offense was, as clearly and specifically defined, that I was no better lawyer than Chief Justice Fuller, Mr. Justice Brewer, Mr. Justice White, and Mr. Justice Peckham, and not as good a lawyer as Justice McKenna, against whose confirmation the bar of San Francisco protested; not as good a lawyer as Mr. Justice Holmes, who, though appointed from Massachusetts, could not secure the indorsement of the great lawyer and statesman, Senator Hoar; not as good a lawyer as Mr. Justice Day, who I am told was the former counselor, if not partner, of the late Abner McKinley, in government contracts; not as good a lawyer as poor old Justice Brandeis, whose fading mind had already entered the shadows of a rapid decline; not as good a lawyer as Mr. Justice Harlan, the father of Mr. James Harlan, appointed by President Roosevelt on the Interstate Commerce Commission, shortly after the Justice delivered the last opinion in my case.

"I submit if there was not too much legal knowledge required of a country lawyer, when the government accused me of offending against this statute."

He next charged that his constitutional right to a trial at the place where the offense was committed had been violated when the case was brought in St. Louis. He declared he should have been tried in Washington, if at all, as money was paid to him there by the Rialto Company, and he had practiced there.

CHARGE OF CONSPIRACY.

Taking the case to St. Louis, he declared, "was a part of the conspiracy of those who began the case against me to violate the fundamental law by taking me into a city and before a tribunal where I could be convicted, regardless of the evidence and the law.



FORMER SENATOR J. R. BURTON.

"There was a wild crusade against accused officials in Missouri at that time, and the storm center was at St. Louis. Governor Folk, then circuit attorney, had instituted prosecutions against public officials and other persons, and the excitement had grown so intense as to produce for a time judicial anarchy in that place.

"For some time vicious attacks had been made throughout the country against the United States Senate. Therefore the prosecution of a United States Senator, in the City of St. Louis, furnished a shining mark for all the hate that had been aroused against high officials, and left to a man then in my position in a strange city very little chance for a fair trial. Roosevelt, Knox and Dyer knew of the conditions, and that is why the Constitution was set aside, and I was proceeded against in Missouri.

"Again, I do not think that it is generally known that every witness who testified to anything at all material against me has either been promoted in office or has received immunity from punishment by the President. But such is the case. Nor did the President stop with his rewards, in bestowing official gifts to the witnesses who testified against me. Every official who had anything to do with my case, with one exception, has been promoted by the President."

HIS PROSECUTORS PROMOTED.

He went into particulars to show how Chief Postoffice Inspector W. H. Cochran, Inspector W. J. Vickery, Inspector Fulton, and Paul Kaiser, a clerk, had been promoted and prosecutions had been stopped against three others. Their testimony, he declared, was largely false. Attorney General Knox had been rewarded with a Senatorship, he said; Judge Elmer D. Adams, who presided at his first trial, had been promoted to the Circuit Court of Appeals; Col. Dyer, who prosecuted him, "has just been appointed, at the age when Federal Judges are permitted to retire, to the United States district bench." C. H. Robb has been appointed to the Supreme bench of the District of Columbia, "while Judge Vandeventer, who presided at the second trial, had been but a short time before taken by Mr. Roosevelt from a subordinate position at Washington and elevated to the Circuit Court of Appeals, just one step below the Supreme bench.

"But the most regrettable circumstance in all the rewards that were given by the President, contemporaneously with the proceedings against me," went on Mr. Burton, "was the appointment of James Harlan, son of Justice Harlan, on the Interstate Commerce Commission. In 1905, when my case was first before the Supreme Court and was reversed, Justice Harlan stood alone in rendering a dissenting opinion."

At that time, he declared, young Harlan was a candidate for a Federal Judgeship in Illinois and favored by the President. Soon after Justice Harlan had handed down the decision of the court against Mr. Burton his son was appointed to the Commerce Commission.

"Were all these promotions, rewards, immunities, accidentally coincident with my downfall?" the speaker asked. "Did my case have nothing to do with bringing to these Judges, prosecuting officers, witnesses and criminals all their good luck? Every man must pass upon this question for himself. But does not the inquiry as to the price of my blood obtrude itself, when these facts are considered?"

A DEFENSE OF HIS LIFE.

He then entered into a discussion of his life and work. He had been a successful lawyer, he said, and had made one competency, when the panic of 1893 came along and swept it away. "I paid every debt," he said. "I challenge my worst enemy to find any man who will even say I defrauded him out of a dollar." He made another competency before being indicted, but that has all been swept away.

"Everybody knows I have been active in politics for a quarter of a century," he said. "But only a very few know at what a great financial sacrifice it has been to me. My work was done under the auspices of county, Congressional, State, and National committees, not one of which ever paid me a cent for services or expenses. Aside from local entertainment, which was sometimes provided, I paid all my expenses in all my campaigns for the last twenty-five years."

He denied that his seat in the Senate was bought for him, and called upon representatives of various railroads to contradict him. He called upon men for whom he had obtained appointment to office to say if any of them had ever paid him a cent for preference.

HAS REFUSED AID FROM FRIENDS.

"Not one of them ever gave me one

dollar, nor paid out one dollar at my request, or to my knowledge, for the purpose of electing me to the Senate," he asserted. "And what is further, not one of them has been permitted to furnish me one cent in the great expense to which I have been put in defending my honor for the past three years. Some of them have sent me money. I have returned the money sent without using it in every case. I have borne the burden alone."

ROOSEVELT MALICIOUS, HE SAYS

Mr. Burton then entered into his attack on the President.

"I have been frequently asked who it was that inspired this unjust and cruel persecution against me. I have not made any public answer to that question. I do it now. It was Theodore Roosevelt. True, he had to operate through others. Some of them acted with malice of the kind that animated Roosevelt. Others were driven to help in the great wrong through fear. It was like him to deny having anything to do with instituting the proceedings against me until after I was convicted. Then he boasted:

"It was I who aimed the gun."

"The question naturally arises, why did he do it? To answer that question we must go back to the long session of Congress that convened in December, 1901, to find the first cause of the malice of Roosevelt toward me."

Mr. Havemeyer of the Sugar Trust, he said, had awakened to the fact that the business of that concern was threatened with ruin. Under the Dingley bill the beet-sugar industry was making great strides.

"The Dingley bill was passed late in 1897," he said. "On the first day of January, 1898, there were only six beet sugar factories in this country. On the first day of January, 1901, there were thirty-six completed and eighty-six others that were projected, and all to be built as fast as money could construct them. The estimated price of these eighty-six beet sugar mills was to cost about \$50,000,000.

"In passing, let it be remembered that as a result of the agitation about 'Cuban reciprocity,' and later the making of the Cuban treaty, eighty of these eighty-six prospects were abandoned and only six of the mills were carried to completion, and they were completed only because the work had so far progressed on each of them as to make it practically impossible for it to be abandoned.

"One other important truth should be stated just here—that from the time of the beginning of the agitation for 'Cuban reciprocity,' with the exception of these six mills to which I have referred, there was not a single beet sugar factory erected on this continent for a period of more than two years thereafter. The business received such a shock that the building of mills wholly ceased, and since that time has progressed just as fast, and no faster, than is permitted by the 'Sugar Trust.'"

ALLEGED PLOT OF SUGAR TRUST

"Returning now to the conditions that existed in 1901, it was apparent if the beet sugar factories continued to go up as rapidly in proportion for the next six or seven years, as they had in the past three, the business of the 'Sugar Trust' would be at an end; we would be making all our sugar for home consumption from the beet. At that time the 'Sugar Trust' was making at least \$30,000,000 per year profit, and it can readily be imagined that the men who owned this rich gold mine would not lose it without a struggle.

"There was but one salvation for the 'Sugar Trust,' and that was through Congress. It had to appeal to the 'political community of interests.' First it had to reach the President, the head of this all-powerful organization. At that time its old attorney, if not its then attorney, Mr. Elihu Root, was Secretary of War. Its plans, as we shall hereafter see, were to move through the War Office."

The plan was to bring Cuban sugar into competition with the beet sugar, he said, and to this end Secretary Root, Gen. Wood, and all the agencies the Sugar Trust could command, made a campaign for Cuban reciprocity. Distress in Cuba was pictured to the American people, although good times, such as Cuba had not known in its history, were apparent everywhere.

"Roosevelt in the meantime had become President," the speaker went on. "At all times the masterful politician, and looking ahead, he knew the very great value of attaching to him such a power as the 'Sugar Trust.' He had not been President twenty-four hours before he divined the danger to his nomination and election in the following campaign.

BITTER WORDS FOR PRESIDENT.

"No man nor method was too bad to be put aside by Roosevelt if it would help him to continue as President. No crime was too black to deter Roosevelt, if its commission would minister to his ambition. He knew that the

Sugar Trust would get the benefit of whatever reduction of the tariff was made on sugar. He also knew, that in addition to the millions of dollars that would pour into the overflowing coffers of the Sugar Trust directly, it would check and retard the growth of the beet sugar industry. Concealed in falsehood and hypocrisy, violative of the cardinal principles of the Republican party, supported by fraud and corruption of the basest character, 'Cuban reciprocity' found in Theodore Roosevelt its natural champion."

He sketched the fight for Cuban reciprocity, and the fight made by the Western beet sugar men, with the result that the bill which passed the House not only provided for a 20 per cent. reduction of the tariff on Cuban goods, but repealed the 12-1-2 per cent. differential on refined sugar, which was the bulwark of the Sugar Trust. The Senate committee cut out the provision about the differential and was pressing that plan when evidence was brought before the country that the Sugar Trust was behind the whole reciprocity campaign, and that Mr. Root and Gen. Wood had fostered the complaints about distress in Cuba.

"This perfidy of Root, Wood, and the Sugar Trust, fully aroused and startled the country," said the speaker. "It put the Administration on the defensive. But Root's method is aggressive defense when attacked; so he induced the President to hurl an appealing message on the Senate reiterating the truth of these exposed falsehoods.

"He had the audacity again to declare that there was great distress in Cuba when every Senator in the body knew it was false, and every one knew that the President knew it was false. The Republican Senators had before this caused on the measure. In that caucus it developed that there was radical opposition, and no loyal support for the bill.

WHEN HE DEFIED THE PRESIDENT.

"When the President's message was received we had a second caucus. It was at this meeting I mortally offended Roosevelt.

"We were told that the bill must be a 20 per cent reduction and nothing more, and that no amendments whatever were to be allowed. I then made the speech that made me temporarily notorious, if not famous. I said, in substance, that I would not support the measure in that form; that it was plainly in the interests of the 'Sugar Trust,' as every one must know; that it would at the same time, be a gift of many millions of dollars annually to that great corporation, and a crushing blow to the beet sugar industry; that the whole measure was conceived in hypocrisy; that it violated the cardinal principles of the Republican party on the tariff; that Cuba was prosperous, and did not need it; that the Cubans would not get the benefit of the reduction if it was made, and that to support a bill of this kind was either an insult to the intelligence of Republican senators or an indictment of their integrity, or both.

"I was emphatic and direct in my utterances and, it is said, I talked loud enough to make the window frames rattle and to be heard on the outside of the building. I was deeply in earnest, and spoke my convictions. Mine was the last speech; the caucus broke up, with the understanding that the fight was over for that session.

'ROOSEVELT NEVER FORGAVE.'

"Roosevelt never forgave me. He gave it out that I had promised to support the bill. That was a lie, but that is not strange; he claims to have a license to lie, except when he expresses himself in writing over his own signature. A day or two after this last caucus meeting I called on the President, with the Kansas delegation, to invite him to visit Kansas. He refused to shake hands with me. He was sharply criticized for this, and wrote me a letter that same evening to call again the next day.

"I called and found that his only purpose was to shake hands with me in the presence of others. In order that the criticism of his former action might cease, He pretended to get over his displeasure, but it was only a pretense. He never really forgives any one who opposes him."

Mr. Burton went into instances of differences over patronage that came up later. He discussed at length the President's criticism of his use of a letter which he got Mr. Roosevelt to write in praise of the Jerusalem exhibit at the St. Louis Exposition. He admits, however, that some of his colleagues criticized him for his connection with this venture.

"There was another incident that aroused the wrath of the President against me," he said. "I could not agree with him about who was in command at the naval battle of Santiago. 'Out in my country, in the early days, I had the temerity to voice my convictions; that is an unpardonable crime with Roosevelt, unless what you say reflects his wishes. No man can be close to him and be a free man. The price you pay for his smile is slavery. He lives on adulation. He is a cross between a turkey gobbler and a bulldog.'

KANSAS CAMPAIGN COMES IN.

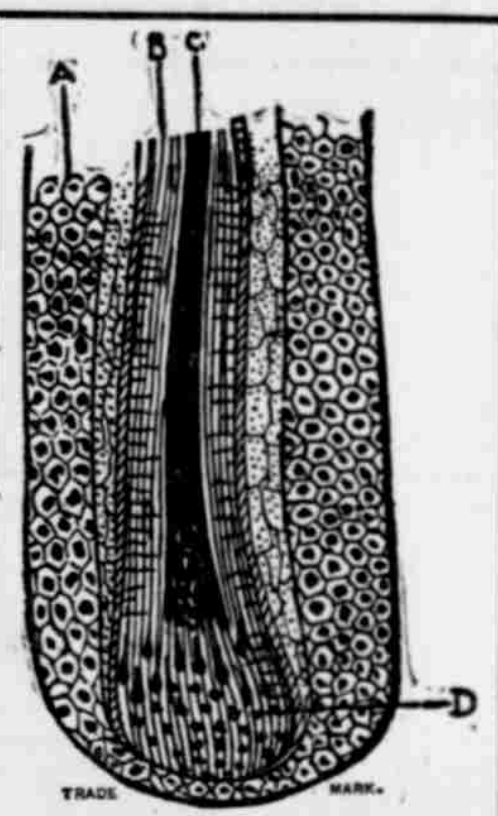
"These things, however, were not the real cause of the proceedings against him, in his opinion. He declared the President had gained a deep-seated malice 'against him and had had his affairs investigated in an attempt to injure him; but it was not until the political situation in Kansas seemed threatening to the Roosevelt men that the indictment was sought.

"In the months of December and January, 1903-4, and up to the death of Senator Hanna, which occurred early in February," he said, "Roosevelt was in a state of frenzied excitement that was pitiable to see.

"It is well known by those who were acquainted with events at Washington that at the time named, Roosevelt was bringing everything to bear to get Hanna openly to declare that he was not and would not be a candidate. In this he was not successful. Hanna remained silent, and his silence drove Roosevelt well-nigh to madness."

The speaker entered into a detailed account of the situation in Kansas at that time, leading up to the candidacy of Mr. Hoch for the Governorship against Gov. Bailey. He was all the time in favor of the nomination of Mr. Roosevelt, he said, but Senator Long and other Kansas foes of his made the President believe he was planning to take an anti-Roosevelt delegation to St. Louis, keeping up a "devil fear" in him. Of one such occasion he said:

"Roosevelt, as was expected, went into the air. He fell all to pieces and



A HEALTHY HAIR.

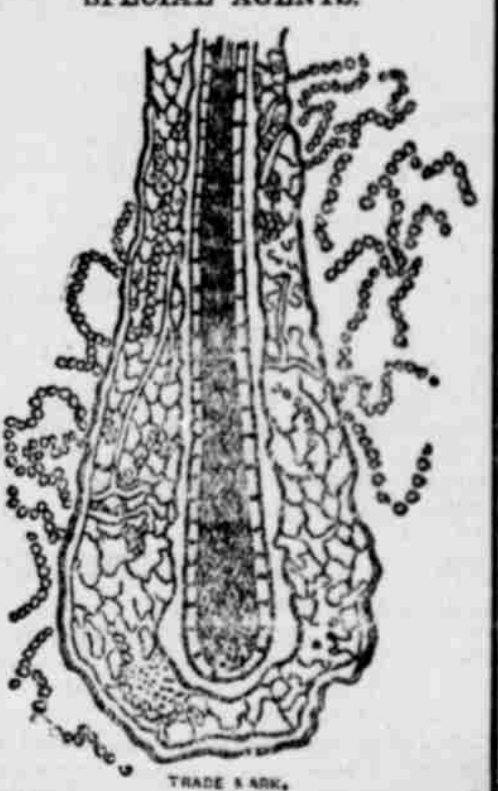
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AN UNHEALTHY HAIR.

began to rage like a maddened wild animal. He saw the frightful visage of Mark Hanna before him; he saw me at the head of the Kansas delegation, behind Senator Hanna—he had seen me before at the head of the Kansas delegation at Philadelphia in 1900."

Again on this subject the speaker remarked: "Although Roosevelt on several occasions sputtered his malice toward me like a monkey in convulsions, it did not at all alarm me about my political future. My friends all knew that it was my judgment that he should be nominated. Conditions were such that any other nomination would endanger the success of the ticket. There was absolutely no danger from me nor from my friends to Roosevelt. But he had greatly wronged me. He knew he deserved just this kind of treatment at my hands, if I was in a position to give it to him, and, taking counsel of his fears, he acted, as I have said, in order to prevent me from doing what I had never thought of doing."

A BLOW LIKE AN ASSASSIN'S.

"Senator Long had been told by him that he intended—or I think the exact words were, 'I may indict Senator Burton.'"

"The County Conventions had been nearly all called in Kansas. My friends, nine out of every ten standing for the decent element in politics in the State, were supporting Hoch for Governor. The position of my friends was pointed to as my position. I was blamed for it all when I had done my best to prevent it all. A false coloring was given to the whole movement. The President was led to believe it was a fight, under cover, on him.

"His mind full of poison against me, his hatred deep-seated, his fears of Hanna and that I was operating for him, drove him well nigh to madness. Awaiting the moment when it was thought my indictment would be a blow from which my friends could not recover, he moved against me as ruthlessly, as cowardly, and from motives as base as ever inspired the assassin to strike his victim from safe ambush in the dark.

"I know the full import of the foregoing words. I know all the perfidy and dishonesty they portray, but whatever the world may think of them, now or hereafter, there are two men who know they are true—one is J. R. Burton, and the other is Theodore Roosevelt. I believe there are others, and knowing the men as they do, many who do not know the facts in this case all and more than I have charged do know that he is capable of doing against him."

"This is why I was first struck down; why I was hounded for years for a crime I never committed; why all the vast energy of the Government was brought against me; why perjury, subornation of perjury, intimidation of some and promotion of other Government officials; immunity to criminals; why every crime that can surround a court of justice was committed to hunt me to death."

Dividend No. 118 is due and payable to stockholders of the Ewa Plantation Co., on April 30th.